

House File 2706 - Enrolled

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HOUSE FILE 2706

AN ACT

PROVIDING FOR THE CONFIDENTIALITY OF CERTAIN RECORDS RELATING TO CHARITABLE DONATIONS MADE TO A FOUNDATION ACTING SOLELY FOR THE SUPPORT OF AN INSTITUTION GOVERNED BY THE STATE BOARD OF REGENTS, TO A PRIVATE FOUNDATION AS DEFINED IN SECTION 509 OF THE INTERNAL REVENUE CODE ORGANIZED FOR THE SUPPORT OF A GOVERNMENT BODY, OR TO AN ENDOW IOWA QUALIFIED COMMUNITY FOUNDATION, AS DEFINED IN SECTION 15E.303, ORGANIZED FOR THE SUPPORT OF A GOVERNMENT BODY.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 22.7, Code Supplement 2005, is amended by adding the following new subsection:

NEW SUBSECTION. 52. The following records relating to a charitable donation made to a foundation acting solely for the support of an institution governed by the state board of regents, to a private foundation as defined in section 509 of the Internal Revenue Code organized for the support of a government body, or to an endow Iowa qualified community foundation, as defined in section 15E.303, organized for the support of a government body:

a. Portions of records that disclose a donor's or prospective donor's personal, financial, estate planning, or gift planning matters.

b. Records received from a donor or prospective donor regarding such donor's prospective gift or pledge.

c. Records containing information about a donor or a prospective donor in regard to the appropriateness of the solicitation and dollar amount of the gift or pledge.

d. Portions of records that identify a prospective donor and that provide information on the appropriateness of the solicitation, the form of the gift or dollar amount requested by the solicitor, and the name of the solicitor.

e. Portions of records disclosing the identity of a donor or prospective donor, including the specific form of gift or pledge that could identify a donor or prospective donor, directly or indirectly, when such donor has requested anonymity in connection with the gift or pledge. This paragraph does not apply to a gift or pledge from a publicly held business corporation.

f. The confidential records described in paragraphs "a" through "e" shall not be construed to make confidential those portions of records disclosing any of the following:

(1) The amount and date of the donation.

(2) Any donor-designated use or purpose of the donation.

(3) Any other donor-imposed restrictions on the use of the donation.

(4) When a pledge or donation is made expressly conditioned on receipt by the donor, or any person related to the donor by blood or marriage within the third degree of consanguinity, of any privilege, benefit, employment, program admission, or other special consideration from the government body, a description of any and all such consideration offered or given in exchange for the pledge or donation.

g. Except as provided in paragraphs "a" through "f", portions of records relating to the receipt, holding, and disbursement of gifts made for the benefit of regents institutions and made through foundations established for support of regents institutions, including but not limited to written fund-raising policies and documents evidencing fund-raising practices, shall be subject to this chapter.

This subsection does not apply to a report filed with the ethics and campaign disclosure board pursuant to section 8.7.

CHRISTOPHER C. RANTS
Speaker of the House

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JEFFREY M. LAMBERTI
President of the Senate

I hereby certify that this bill originated in the House and
is known as House File 2706, Eighty-first General Assembly.

MARGARET THOMSON
Chief Clerk of the House

Approved _____, 2006

THOMAS J. VILSACK
Governor